

REMARKS

Claims 1-22 and 28-37 are pending. In the Office Action dated July 18, 2007 (“Office Action”), all pending claims were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent Numbers 6,292,478 or 6,546,003 (hereinafter referred to as “Farris I” and “Farris II”.) Claim 35 was also rejected under Section 102(e) as allegedly anticipated by U.S. Patent Number 6,243,373 (“Turock”). Further, claims 1, 6-7, 13-16, 18-19, and 36 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Turock in view of U.S. 6,298,057 (“Guy”). Claims 8-10, 12, 20-21, and 28-29 were rejected under Section 103 as allegedly unpatentable over Turock in view of Guy and further in view of U.S. Patent Number 6,185,184 (“Mattaway”). Claim 30 was rejected under Section 103 as allegedly unpatentable over Turock in view of Mattaway. Claim 31 was rejected under Section 103 as allegedly unpatentable over Turock in view of Mattaway and further in view of Guy.

The Office Action (page 23) further stated that claims 2-5, 11, 17, 22, 32-34, and 37 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. This statement appears to contradict the foregoing rejection of these claims based on Farris I and Farris II. The Examiner added that “[t]hese claims are objected [sic] based on the prior arts without common inventor or assignee.” Applicants respectfully request that the Examiner clarify the ambiguous record.

Accompanying a Request for Continuing Examination filed May 14, 2007, Applicants submitted the Declaration of Robert D. Farris (“Declaration”), made according to 37 C.F.R. § 1.131, and first submitted on April 9, 2007. The Declaration establishes that the present claims were conceived prior to Farris I and Farris II (§§ 6-7), and that Applicants exercised diligence between the time of conception and the time when the parent to the present application was filed on December 18, 1996 (§§ 8-9). In the Office Action, the Examiner stated that the Declaration was “ineffective to overcome the Farris reference[] because the applicant does not enclose an exhibit A of a section 6 of the” Declaration. The Declaration is resubmitted herewith, including Exhibit A thereto. Applicants respectfully urge that all rejections based on Farris I and Farris II should be withdrawn, based on the Declaration.

Further, for at least the reasons set forth in the Supplemental Appeal Brief filed on December 7, 2004, Applicants respectfully urge that the foregoing rejections based on prior art other than Farris should be withdrawn.

CONCLUSION

All rejections have been addressed. In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue. It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013, under order number 65632-0107. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136(a) is hereby made, the fee for which should be charged against the aforementioned account.

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Respectfully submitted,

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